

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

J.D. GAINES, #33106

PETITIONER

VERSUS

CIVIL ACTION NO. 5:05cv227DCB-RHW

JIM HOOD

RESPONDENT

SECOND ORDER TO SHOW CAUSE

On December 12, 2005, the petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and requested in forma pauperis status. On January 9, 2006, an order was entered denying the petitioner's request to proceed in forma pauperis and ordering the petitioner to pay the required \$5.00 filing fee within 20 days. The petitioner was warned in this Court's order that failure to timely comply with the requirements of the order could lead to the dismissal of his petition.

When the petitioner failed to comply with the order of January 9, 2006, an order to show cause was entered on March 6, 2006, directing the petitioner to respond and to pay the filing fee of \$5.00 on or before March 28, 2006. Even though the petitioner was warned that his failure to comply would result in the dismissal of this civil action, the petitioner has failed to do so. Out of an abundance of caution, this court is granting the petitioner a final opportunity to comply with the order of January 9, 2006, by paying the filing fee of \$5.00 within 20 days of the entry of this order. The petitioner is advised that his failure to comply with this second order

to show cause in a timely manner will result in the dismissal of this civil action. Accordingly, it is

ORDERED:

(1) That petitioner respond to this Order to Show Cause, in writing, within 20 days from the date of this order why this case should not be dismissed for failure to comply with the Court's orders of January 9, 2006 and March 6, 2006;

(2) That petitioner comply with the orders by paying the required \$5.00 filing fee within 20 days of the date of this Order;

(3) That failure to advise this Court of a change of address or failure to timely comply with any Order of this Court will be deemed as a purposeful delay and contumacious act by the petitioner and will result in this cause being dismissed without prejudice and without further notice to the petitioner. This is the petitioner's final opportunity to comply with the previous orders of this Court.

THIS, the 26<sup>th</sup> day of April, 2006.

S/DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE